

CHAPTER 20.46

SPECIFIC PLAN DISTRICT #9 OLD NEWPORT BOULEVARD

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20.46.010 Establishment of Specific Plan District-Old Newport Boulevard

The provisions of this specific plan shall apply to all parcels within the boundaries of the Old Newport Boulevard Specific Plan District, as shown on the Land Use Plan Map incorporated herein, and as shown on Districting Maps No. 5 and 25, as referred to in Section 20.00.050.

20.46.015 Purpose and Intent

The purpose of this specific plan is to establish policies to guide the orderly development and improvement of the Old Newport Boulevard Area. Development Standards are included in this specific plan to set minimum standards for public and private improvements.

A. The specific goals of this specific plan are as follows:

1. To enhance the appearance, access and identity of the area as one of the primary entry points to Newport Beach, especially as viewed from Newport Boulevard and from Coast Highway.
2. To encourage redevelopment and upgrading of Old Newport Boulevard as a commercial and mixed use district with retail sales and office opportunities.
3. To establish guidelines and standards for new development, public improvements and landscaping that will encourage harmonious transitions and minimize conflicts between different uses.
4. To improve access, visibility and parking in order to encourage visitor traffic and increase business activity within the district.

5. To create a unified streetscape and parking arrangement at a scale that reduces vehicle speed, increases business visibility, improves neighborhood aesthetics, and accommodates pedestrian and bicycle traffic.
- B. It is the intent of this specific plan to ensure consistency between the stated goals and policies of the Land Use Element of the General Plan. This will be achieved through the equitable application of the provisions of this plan.
- C. The Land Use Plan Map, as incorporated herein, and the accompanying design guidelines and development standards provide for the orderly development of property within the Old Newport Boulevard area, consistent with the stated goals, policies and objectives of the City's General Plan Land Use Plan. This will be achieved through the equitable application of the provisions of this plan. The majority of the Old Newport Boulevard area is designated for Retail and Service Commercial land uses. This designation is intended to provide predominately retail sales and services, with opportunities for mixed commercial/residential development with support retail commercial uses. Professional office, medical and institutional uses are also permitted. Open Space and Governmental, Educational and Institutional Facilities designations reflect existing land uses and development.

20.46.030 Land Use Regulations

- A. Land Use Designations. The following land use designations are established:
 1. Retail and Service Commercial, SP-9 (RSC) District.
 2. Governmental, Educational and Institutional Facilities, SP-9 (GEIF) District.
 3. Open Space, SP-9 (OS) District.

The designations, locations and boundaries of these uses are delineated upon the map entitled "Old Newport Boulevard Specific Plan, Land Use Plan Map", which map and all information and notations thereon are made a part of this section by reference.

- B. The following schedule establishes the land uses defined in Chapter 20.05 as permitted or conditionally permitted in the Old Newport Boulevard Specific Plan District, and includes special requirements, if any, applicable to specific uses. The following schedule establishes the land uses defined in Chapter 20.05 as permitted or conditionally permitted in commercial districts, and includes special requirements, if any, applicable to specific uses. The letter "P" designates use classifications permitted in commercial districts. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use

Regulations" which follows. The letters "UP" designate use classifications permitted on approval of a use permit, as provided in Chapter 20.91. The letters "PD/U" designate use classifications permitted on approval of a use permit issued by the Planning Director, as provided in Chapter 20.91. The letters "P/UP" designate use classifications which are permitted when located on the site of another permitted use, but which require a use permit when located on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

Old Newport Boulevard Specific Plan District: Land Use Regulations

P = Permitted
UP = Use Permit
PD/U = Use Permit issued by the Planning Director
L = Limited (see Additional Use Regulations)
--- = Not Permitted

	RSC	GEIF	OS	Additional Regulations
<i>RESIDENTIAL</i>				(A), (B), (C), (D)
DAY CARE, LIMITED	P	---	---	(D)
SINGLE FAMILY RESIDENTIAL	L-1	---	---	(D)
MULTI-FAMILY RESIDENTIAL	L-1	---	---	(D)
TWO-FAMILY RESIDENTIAL	L-1	---	---	(D)
<i>PUBLIC AND SEMI-PUBLIC</i>				(A), (B), (C)
CLUBS AND LODGES	UP	---	---	(I)
CONVALESCENT FACILITIES	UP	---	---	(D)
CULTURAL INSTITUTIONS	UP	---	---	(I)
DAY CARE, GENERAL	P	---	---	(D)
EMERGENCY HEALTH CARE	L-2	---	---	
GOVERNMENT OFFICES	P	P	---	
HELIPORTS	UP			(E)
HOSPITALS	UP	---	---	(D)
PARK AND RECREATION FACILITIES	P	---	P	
RELIGIOUS ASSEMBLY	UP	P	---	(D)
RESIDENTIAL CARE, GENERAL	UP	---	---	(D)
SCHOOLS, PUBLIC AND PRIVATE	UP	---	---	(D)
UTILITIES, MAJOR	---	UP	---	
UTILITIES, MINOR	P	P	P	
<i>COMMERCIAL USES</i>				(A), (B), (C)
AMBULANCE SERVICES	L-3	---	---	
ANIMAL SALES AND SERVICES -ANIMAL BOARDING	---	---	---	

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	RSC	GEIF	OS	Additional Regulations
-ANIMAL GROOMING	PD/U	---	---	
-ANIMAL HOSPITALS	UP	---	---	
-ANIMAL RETAIL SALES	PD/U	---	---	
ARTISTS' STUDIOS	P	---	---	(F)
BANKS AND SAVINGS AND LOANS	P	---	---	
-WITH DRIVE-UP/DRIVE THROUGH SERVICE	UP	---	---	
CATERING SERVICES	P	---	---	
COMMERCIAL FILMING	UP	---	---	(F)
COMMERCIAL RECREATION AND ENTERTAINMENT	UP	---	---	(F), (I)
COMMUNICATION FACILITIES	P	---	---	
EATING AND DRINKING ESTABLISHMENTS				
-FULL SERVICE, HIGH TURNOVER	UP	---	---	(F), (G), (I)
-FULL SERVICE, LOW TURNOVER	UP	---	---	(F), (G), (I)
-FULL SERVICE, SMALL SCALE	PD/U	---	---	(F), (G), (I)
-TAKE-OUT SERVICE	UP	---	---	(F), (G), (I)
-TAKE-OUT SERVICE, LIMITED	PD/U	---	---	(F), (G), (I)
-ACCESSORY	P	---	---	(F), (G), (I)
-BARS AND COCKTAIL LOUNGES	UP	---	---	(F), (G), (I)
FOOD AND BEVERAGE SALES	P	---	---	(I)
FUNERAL AND INTERNMENT SERVICES	L-4	---	---	
LABORATORIES	UP	---	---	
MAINTENANCE AND REPAIR SERVICES	L-5	---	---	
MARINE SALES AND SERVICES				
-BOAT RENTALS AND SALES	L-6	---	---	
-BOAT STORAGE	L-7	---	---	
-ENTERTAINMENT AND EXCURSION SERVICES	L-13	---	---	
NURSERIES	P	---	---	
OFFICES, BUSINESS AND PROFESSIONAL	P	---	---	
PAWN SHOPS	P	---	---	(F)
PERSONAL IMPROVEMENT SERVICES	PD/U	---	---	(F)
PERSONAL SERVICES	P	---	---	
-DRY CLEANING BUSINESSES	L-8	---	---	
-MASSAGE ESTABLISHMENTS	L-9	---	---	
POSTAL SERVICES	P	---	---	
PRINTING AND DUPLICATING SERVICES	P	---	---	
RESEARCH AND DEVELOPMENT SERVICES	UP	---	---	
RETAIL SALES	P	---	---	

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	RSC	GEIF	OS	Additional Regulations
SECOND HAND APPLIANCES/CLOTHING	P	---	---	(F)
TRAVEL SERVICES	P	---	---	
VEHICLE/EQUIPMENT SALES AND SERVICES				(H)
-AUTOMOBILE WASHING	L-10	---	---	(H)
-COMMERCIAL PARKING FACILITY	PD/U	---	---	(H)
-VEHICLE/EQUIPMENT SALES AND RENTALS	L-11	---	---	(H)
-VEHICLE STORAGE	L-7	---	---	(H)
VISITOR ACCOMMODATIONS				
-BED AND BREAKFAST INNS	PD/U	---	---	
-HOTELS, MOTELS AND TIME-SHARES	UP	---	---	
-SRO HOTELS	UP	---	---	
ACCESSORY USES				(A), (B), (C)
ACCESSORY USES AND STRUCTURES	P/UP	P/UP	P/UP	
TEMPORARY USES				(A), (B), (C)
ANIMAL SHOWS	P	P	P	
CHRISTMAS TREE/PUMPKIN SALES	P	---	---	
CIRCUSES AND CARNIVALS	P	P	P	
COMMERCIAL FILMING, LIMITED	P	P	P	
FAIRS AND FESTIVALS	P	P	P	
PERSONAL PROPERTY SALES	P	---		(J)
HELIPORTS, TEMPORARY	L-12	L-12	L-12	
OUTDOOR STORAGE AND DISPLAY, TEMPORARY	P	---	---	
REAL ESTATE OFFICES, TEMPORARY	L-12	P	P	
RECREATION AND ENTERTAINMENT EVENTS	P	P	P	
RELIGIOUS ASSEMBLY	---	P	P	
TRADE FAIRS	P	P	P	

Additional Regulations

- L-1 Permitted subject to the provisions of Section 20.46.040.
- L-2 Permitted with a use permit in a medical office building occupying less than 25% of the gross floor area.

- L-3 Use permit required if located within 1,000 feet of a residential district or the boundaries of a site occupied by a Public or Private School or Park and Recreation Facility. Conditions may be imposed in approving such a permit to limit vehicle speeds and sirens.
- L-4 Only mortuaries allowed, use permit required.
- L-5 Limited to appliance and office machine repair, and building maintenance services.
- L-6 Permitted with a use permit with no on-site maintenance and on-site storage limited to 20 boats.
- L-7 Permitted with a use permit as an interim use, not to exceed 5 years with the ability for extensions, not to exceed 2 years, approved by the Planning Commission. Storage permitted at grade-level only, no multi-level storage structures permitted.
- L-8 Businesses providing collection and pick-up services only permitted; businesses with small-scale plants permitted with a use permit; businesses with large-scale plants not permitted.
- L-9 See Chapter 20.87: Massage Establishments.
- L-10 Limited to hand-operated facilities; conveyor, blower, and other mechanical devices not permitted.
- L-11 Permitted with a use permit with no on-site maintenance and on-site storage limited to 20 vehicles.
- L-12 Subject to the approval of the Planning Director.
- L-13 Permitted, provided operations have first secured a marine activities permit issued by the Harbor Resources Director (see Chapter 17.10 of the Municipal Code).
- (A) See Section 20.60.025: Relocatable Buildings.
- (B) See Section 20.60.015: Temporary Structures and Uses.
- (C) See Section 20.60.050: Outdoor Lighting.
- (D) Residential and other noise sensitive land uses located within the 60 CNEL noise contour shall incorporate walls, berms, or other noise mitigation measures in the project design in order to meet interior and exterior noise level standards established by the Noise Element of the General Plan and this code.
- (E) See Section 20.055: Heliports and Helistops.

- (F) See Section 20.60.085: Uses Requiring City Manager Approval.
- (G) See Chapter 20.82: Eating and Drinking Establishments
- (H) See Chapter 20.80: Automobile Service Stations.
- (I) See Chapter 20.89: Alcoholic Beverage Outlets.
- (J) See Section 20.60.120: Personal Property Sales in Residential Districts.

20.46.040 Property Development Regulations

The following schedule prescribes development regulations for the Old Newport Boulevard Specific Plan District. The first four columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this ordinance.

Old Newport Boulevard Specific Plan District: Property Development Regulations				
	RSC	GEIF	OS	Additional Regulations
Minimum Site Area per Unit (sq. ft.)	2,375	---	---	(A), (B)
Maximum Number of Units Per Lot	---	---	---	(A), (B)
Minimum Lot Area (sq. ft.)	5,000	---	---	(A)
Minimum Lot Width (ft.)	50	---	---	(A)
Minimum Yards:				
Front (ft.)	---	---	---	(C), (D), (E)
Side (ft.)	---	---	---	(C), (D)
-Abutting an R District (ft.)	5	---	---	(C), (D), (E)
Rear (ft.)	---	---	---	(B), (C), (D)
-Abutting an R District (ft.)	5	---	---	(B), (C), (D), (E)
-Abutting an alley (ft.)	5	---	---	(C), (D)
Distance Between Detached Buildings	---	---	---	
Required Wall Articulation				(E)
Driveway s				(F)
Maximum Height				(G)

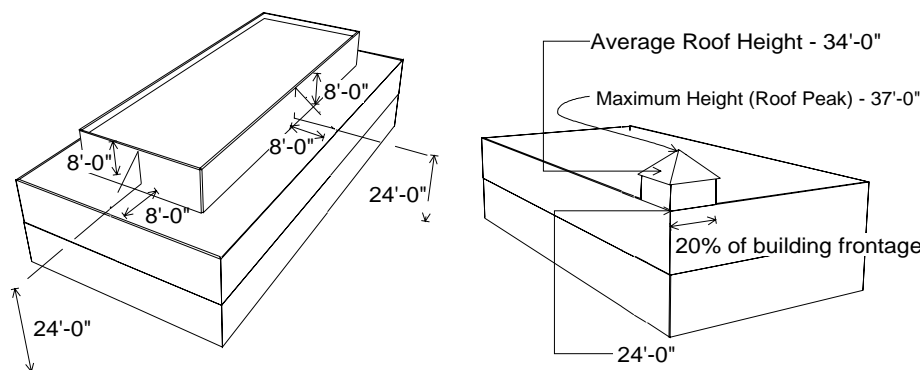
**Old Newport Boulevard Specific Plan District:
Property Development Regulations**

	RSC	GEIF	OS	Additional Regulations
Maximum Floor Area Limit				(H)
Landscaping				(I)
Off-Street Parking and Loading				(B), (J), (K), (L)
Vehicular Access				(K)
Signs				(M)

Additional Regulations

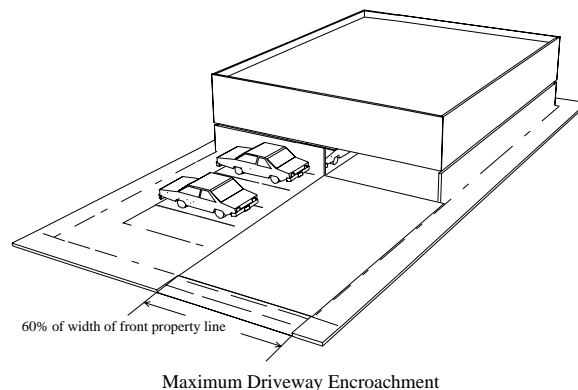
- (A) Any lot or parcel of land under one ownership and of record on August 2, 1943 may be used as a building site even when of less area or width than that required by the provisions of this section.
- (B) SP-9 (RSC) District. Residential uses shall be permitted above the first floor. The following standards apply to residential units above commercial or retail uses:
1. Residential uses are permitted on the second floor or above only.
 2. A minimum of 2,375 square feet of land area is required for each dwelling unit, provided, however, that a minimum of 1 dwelling unit per lot shall be permitted.
 3. The total gross floor area and building bulk in all structures on any site shall be specified in Chapter 20.63.
 4. The commercial or retail portion shall be limited to a floor area ratio between 0.25 and 0.50, except as provided in Section 20.46.050 (A). Commercial or retail portions with floor area ratios of less than 0.25 shall require a use permit as specified in Chapter 20.63.
 5. The residential portion of the structure shall be limited to a maximum floor area ratio of 0.75.
 6. A rear yard setback area of 10 feet shall be required on the second floor for residential uses unless the rear lot line adjoins a public right-of-way, in which case a zero rear yard setback is permitted provided a 10 foot separation is maintained between the residential structure and commercial structures and the residential structure is insulated to meet State of California interior noise standards for multi-family projects.

7. A minimum of two off-street parking spaces shall be provided for each dwelling unit, of which at least one space per dwelling unit shall be covered and at least one space per dwelling unit shall be independently accessible. Parking for the residential use shall be provided on-site with no exceptions.
 8. A minimum of 100 square feet of outdoor living space per dwelling unit shall be provided. This outdoor living space area shall have a minimum dimension in any direction of at least 6 feet and shall be open to the sky or open to at least one side. Architectural features may project into this area as permitted in Section 20.60.030.
 9. Residential development within the 60 CNEL noise contour shall be reviewed by the Planning Director prior to the issuance of building permits. The Planning Director shall require that acoustical design features be incorporated into the project design to insure that indoor noise levels for residential living spaces do not exceed 45 CNEL and that noise levels for exterior areas such as balconies and patios do not exceed 60 CNEL. The Planning Director may relax the exterior noise standard, provided such areas are limited in size and that the project is oriented for adults.
- (C) See Sections 20.60.030: Extensions Into Yards.
- (D) SP-9 (GEIF) and SP-9 (OS) Districts. Minimum yards to be established by use permit.
- (E) Required Wall Articulation-SP-9 (RSC) District. On structures with floor area ratios of 0.65 and higher, front walls, and side or rear walls when the rear or side yard adjoins a residential district, shall be setback at least 1 foot for every foot in excess of 24 feet above grade. 20 percent of the length of the building facade may exceed the 24 foot height limit up to the height limits specified in Chapter 20.65, in order to accommodate towers, spires, cupolas, dormers, gables, chimneys or similar architectural features. The Planning Director may modify or waive this requirement for structures with unique design requirements or where development on abutting properties negates the benefits of this requirement or renders it unnecessary.



Required Wall Articulation

- (F) Driveways. Where driveway approaches extend across more than 60 percent of the length of the front property line, driveway approaches and driveways shall be constructed with interlocking pavers (Olsen Antique Cobble red rectangular interlocking pavers or equivalent). Interlocking pavers on driveways shall extend from the property line to a minimum depth of 10 feet.



- (G) See Chapter 20.65: Height Limits.
- (H) See Section 20.46.050
- (I) SP-9 (RSC) District. The following landscape standards shall apply:
1. A minimum of 8 percent of the site shall be landscaped. Up to one-half of the site's landscaping may be in the form of decorative paving, such as brick, stone or tile. Landscaping shall include a minimum of 1 tree for each 50 feet of street frontage, with a minimum of 1 tree per lot. Each tree shall be a minimum of 15-gallon in size and planted within 5 feet of the front or side property line. The tree species shall be the same as the designated street tree.
 2. In exterior parking areas in excess of 7,500 square feet, a minimum of 5 percent of the parking area shall be devoted to planting areas distributed throughout the parking area. Parking area landscaping may contribute towards meeting overall site landscaping requirements.
 3. Exterior parking areas shall provide a perimeter planting area a minimum of 3 feet wide when the perimeter line abuts a public street, 5 feet when the perimeter line abuts a residential district.
 4. In exterior parking areas in excess of 7,500 square feet, a minimum of 1 tree for every 6 spaces shall be distributed throughout the exterior parking lot.
 5. A parking structure having at-grade parking adjoining a public street shall have a 3 foot wide planting area adjoining the street property line.

- (J) See Chapter 20.66: Off-Street Parking and Loading.
- (K) SP-9 (RSC) District.
1. Non-residential projects with ingress or egress from Beacon Street, Catalina Drive, Holmwood Drive, or from alleys accessed from these streets, shall be subject to the site plan review process in accordance with the provisions of Chapter 20.92. The scope of the site plan review shall be limited to minimizing any traffic and parking impacts on adjacent single family residential areas that may be generated by the project.
 2. Direct access to off-street parking spaces from public streets shall be prohibited.
- (L) SP-9 (RSC) District. Developments which maintain a 50 foot (full height curb) separation between driveway approaches on Old Newport Boulevard may be granted an off-street parking credit by the Planning Director equal to the number of on-street parking spaces available along that frontage.
- (M) All signs shall conform to the provisions of Chapter 20.67.

20.46.050 Floor Area Ratios and Building Bulk

- A. SP-9 (RSC) District. The total gross floor area and building bulk contained in all buildings on a buildable site in the SP-9 (RSC) District shall be as specified in Chapter 20.63, except as provided in this section.
1. A use permit may be approved by the Planning Director for developments with additional floor areas up to a maximum floor area ratio of 0.75, provided land uses are limited to non-residential land uses permitted under this chapter and unified site design is provided pursuant to Section 20.46.050 (B).
 2. A use permit may be approved by the Planning Commission for mixed commercial/residential use developments with additional floor areas up to a floor area ratio of 0.65 for the commercial portion and up to 0.75 for the residential portion, provided unified site design is provided pursuant to Section 20.46.050 (B).
- B. Unified Site Design. To qualify for the additional floor areas provided by Section 20.46.050 (A), the development shall be required to employ one or more of the following consolidation methods to provide unified site design:

1. Where two or more legal lots of record prior to the adoption of this chapter have been resubdivided into a single legal lot.
2. Where the owner or owners of two or more legal lots of record prior to the adoption of this chapter has caused to be executed and recorded a covenant and agreement to hold said lots as a single development site.
3. Where two or more legal lots of record prior to the adoption of this chapter establish shared access to a public right-of-way through a common driveway, close and relinquish access rights to any other existing driveways, and record cross-easements, joint maintenance agreements, and reciprocal parking agreements.

All covenants and agreements shall be approved by the City Attorney as to form and the Planning Director as to content.

- C. Required Findings. In addition to the findings required by Section 20.91.035, the Planning Commission or the Planning Director, as the case may be, shall find that the increased floor area, either individually or cumulatively, shall not cause significant traffic impacts to the adjacent streets and intersections.
- D. SP-9 (GEIF) and SP-9 (OS) Districts. The total gross floor area and building bulk contained in all buildings on a buildable site in the SP-9 (GEIF) District and the SP-9 (OS) District shall be established by use permit.

20.46.060 General Regulations

- A. Refuse Storage Areas. Refuse storage areas shall be screened on all sides by a 6 foot solid wood or masonry wall, or located within a building.
- B. Screening of Mechanical Equipment. All exterior mechanical equipment, except solar collectors shall be screened from view on all sides. Screening materials may have evenly distributed openings or perforations averaging 50 percent.

20.46.070 Public Improvement Component

The following are the public and private improvement projects for the Old Newport Boulevard Specific Plan District.

The City's ability to fund its share of each project, where applicable, is based upon the allocation of limited financial resources throughout the City. Each year during the preparation of the City's annual budget, the City Council will determine which projects or portion thereof are to be funded by the City, their costs, and specific schedule for implementation. For those projects using gas taxes or other sources of revenue for a portion of the funding, the specific projects to be funded

must also be determined annually, based upon the availability of funds and demand from other projects throughout the City.

Design and materials shall be determined through the capital improvement program process. This shall include public meetings to receive comments from affected parties. Final approval of plans, including, but not limited to streetscape improvements, shall be made by the City Council.

A. OLD NEWPORT BOULEVARD MEDIAN IMPROVEMENTS

Install median parking island incorporating landscaping and angled parking along the 300 and 400 blocks of Old Newport Boulevard. Median landscaping shall include street trees (*podocarpus gracilor*) per the Street Tree Installation Guide, Design Criteria, Standard Special Provisions & Standard Drawings for Public Works Construction.

B. ENHANCED STREET PAVING

Install special paving treatment at pedestrian crossings at the intersections of Old Newport Boulevard, Westminster Avenue, and Hospital Road; mid-block in the 400 block of Old Newport Boulevard; across Old Newport Boulevard at 15 Street, Bolsa Park, and Santa Ana Avenue; and at Orange Avenue at Old Newport Boulevard.

C. SIDEWALK IMPROVEMENTS

Install sidewalk improvements on the east and west sides of the 300, 400, and 500 blocks of Old Newport Boulevard and on the east and west sides of the 400 block of Westminster Avenue.

D. STREET LIGHTING

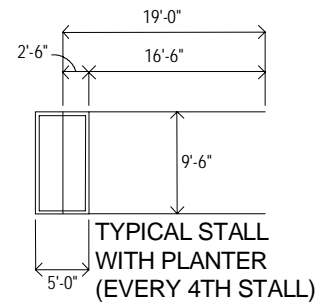
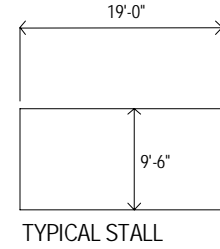
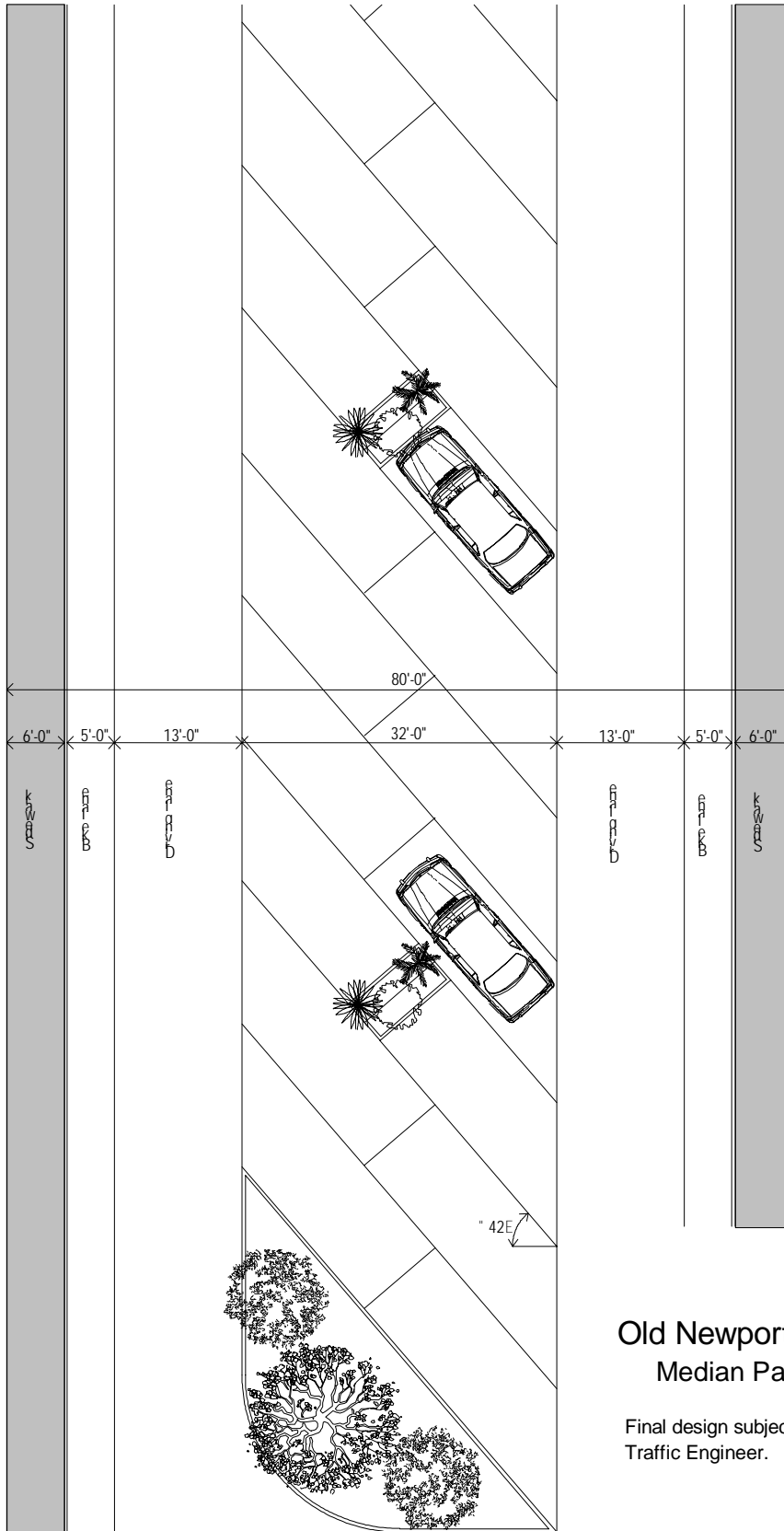
Install decorative street light fixtures with supports for vertical banners on the east and west sides of the 300, 400, and 500 blocks of Old Newport Boulevard; the east and west sides of the 400 block of Westminster Avenue; and in the median parking island (Type V lighting standard, Design Criteria, Standard Special Provisions & Standard Drawings for Public Works Construction).

E. ENTRY MONUMENTS

Install a permanent entry monument signs in the vicinity of the intersection of Old Newport and 15th Street and in the vicinity of the intersection of Old Newport Boulevard and Pacific Coast Highway.

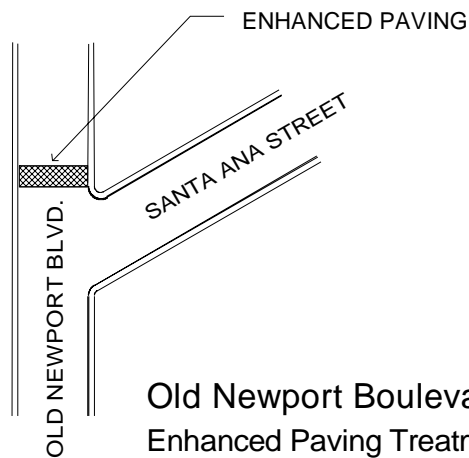
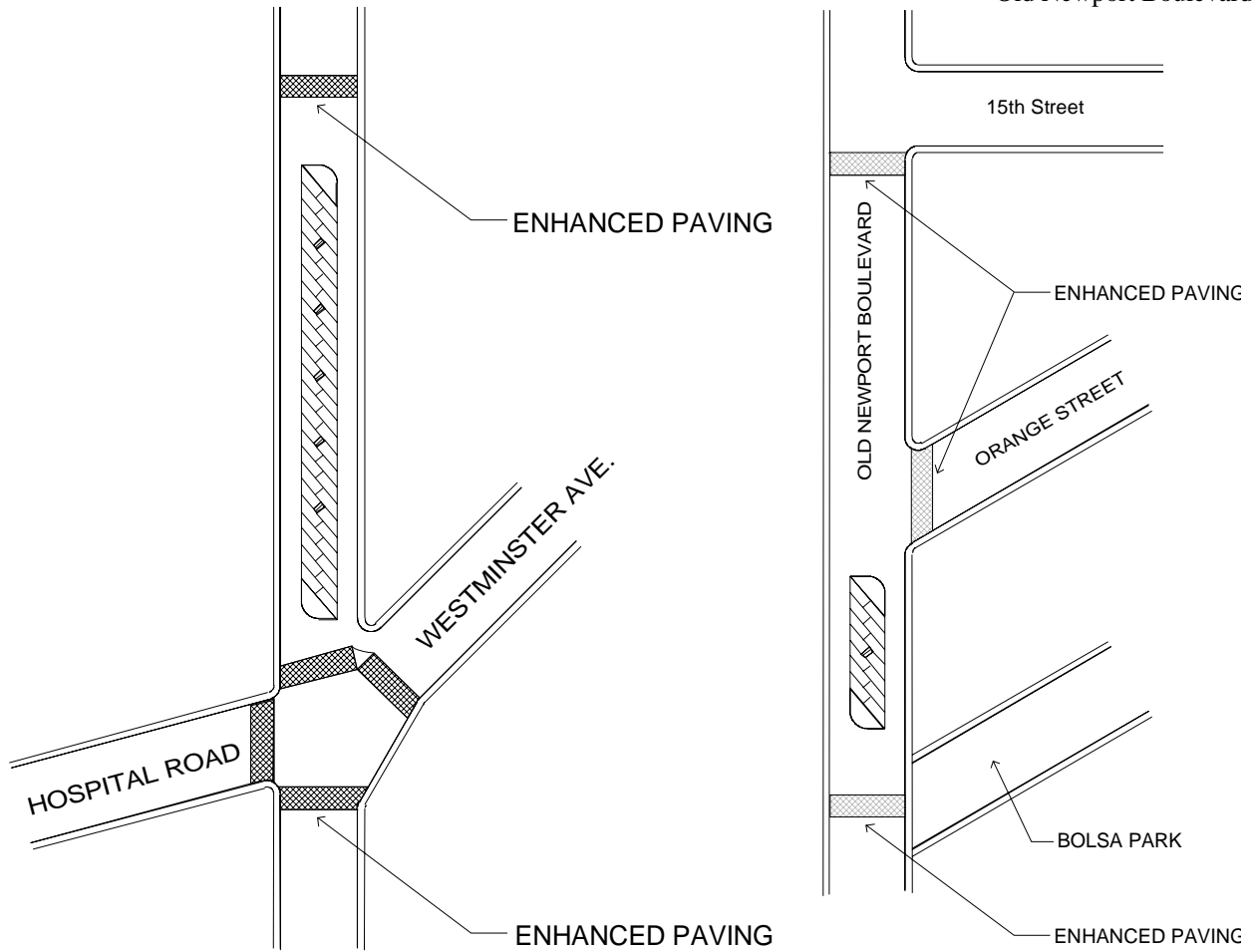
F. UNDERGROUND UTILITIES

The undergrounding of all existing overhead utilities, including electric power, telephone and cable television. Undergrounding includes electric power, telephone and cable television, provision of underground utilities to the property line, where a connection would be made to existing service above ground.



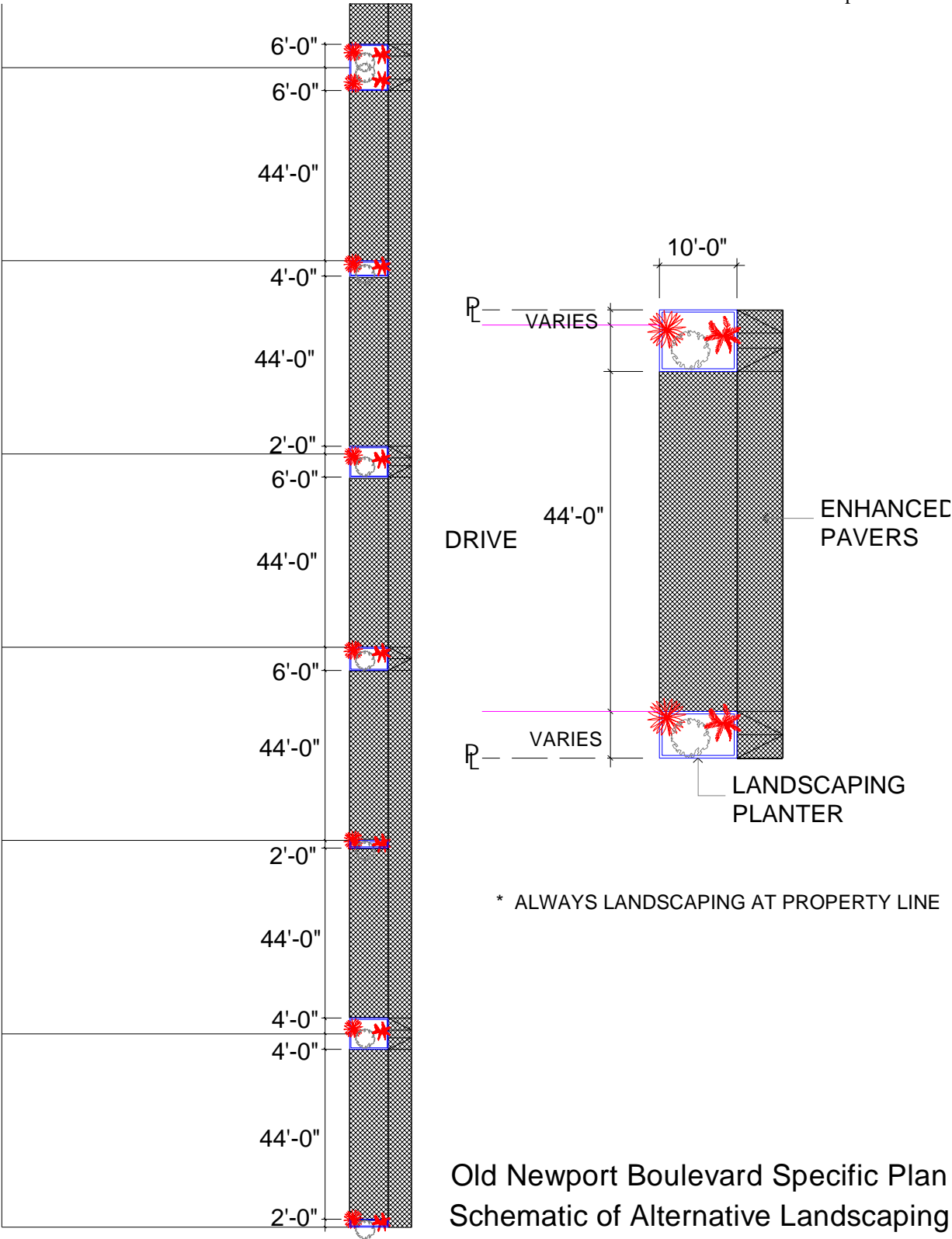
Old Newport Boulevard Specific Plan Median Parking Island Concept Plan

Final design subject to the approval of the City
 Traffic Engineer.



Old Newport Boulevard Specific Plan Enhanced Paving Treatments Concept Plan

Final design subject to the approval of the City
 Traffic Engineer.



Old Newport Boulevard Specific Plan
Schematic of Alternative Landscaping

Final design subject to the approval of the City
Traffic Engineer.

**City of
Newport Beach
Old Newport Boulevard
Specific Plan District #9
SEC. 20.46
Land Use Map**

